



United States Department of the Interior

FISH AND WILDLIFE SERVICE
ONE GATEWAY CENTER, SUITE 700
NEWTON CORNER, MASSACHUSETTS 02158

FEB 15 1990

Dear Landowner:

Enclosed for your information is the Land Protection Plan for the approved Proposal to Expand the Boundary of the Back Bay National Wildlife Refuge in Virginia Beach, Virginia.

This Land Protection Plan provides landowners with a brief document that details the acquisition methods the Service plans to use on lands within the Back Bay National Wildlife Refuge boundary. This document explores potential acquisition methods and details the Service's acquisition policy and priorities. Any land acquisition will be subject to willingness of landowners to negotiate and availability of funds.

For further information, please contact Joann Raducha Healey, Office of Realty, at the above address or call (617) 965-5100, extension 410. The Service looks forward to working closely with landowners to insure protection of the important resources of Back Bay National Wildlife Refuge.

Sincerely yours,

Ronald E. Lamberton
Regional Director

Enclosure

LAND PROTECTION PLAN

BACK BAY NATIONAL WILDLIFE REFUGE

VIRGINIA BEACH

VIRGINIA

February 1990

Prepared by
U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
REGION 5
NEWTON CORNER, MASSACHUSETTS

Approved by:


Regional Director

BACKGROUND

The U.S. Fish and Wildlife Service (Service) has concluded the approval process for the Proposal to Expand the Boundary of the Back Bay National Wildlife Refuge in Virginia Beach, Virginia. This proposal was detailed in both a draft and final version of an Environmental Assessment which was previously released for an extensive public review and comment period. The Assessments outlined the Service's proposal to provide long-term protection to approximately 6,340 acres of important wildlife habitat by establishing a land acquisition boundary, within which lands (or interest in lands) could be acquired for inclusion into the National Wildlife Refuge System.

PURPOSE AND NEED

The purpose of this Land Protection Plan is to provide landowners with a brief document that details the Service's potential acquisition methods, policy, and priorities.

This project is in support of the Service's North American Waterfowl Management Plan which places a high priority on the acquisition of black duck wintering and migration habitat along the Atlantic Coast. The project is also in support of the Service's National Wetlands Priority Conservation Plan which recognizes wetlands for a variety of functions in addition to wildlife and fisheries values.

However, despite these values, significant acreages of wetlands and surrounding upland edge habitats will be lost or severely degraded because existing laws are inadequate in the face of intense development pressure. The economic trend of Virginia Beach is continual expansion resulting in increased commercial and residential development. As remaining developable land is exhausted in the northernmost portions of the city, development pressure will be focused within the Back Bay area.

LAND ACQUISITION STATUS

Back Bay National Wildlife Refuge (Refuge) was established in 1938 with the purchase of two parcels of land totaling 4,589 acres. The recently approved boundary has added 6,340 acres of unacquired land to the Refuge boundary. This acreage consists of 202 parcels of land and nearly 135 separate ownerships. Appendix A contains a list of these parcels.

MAPS

Figures 1, 2, and 3 represent unacquired lands within the boundary of Back Bay National Wildlife Refuge.

SELECTED ACTION

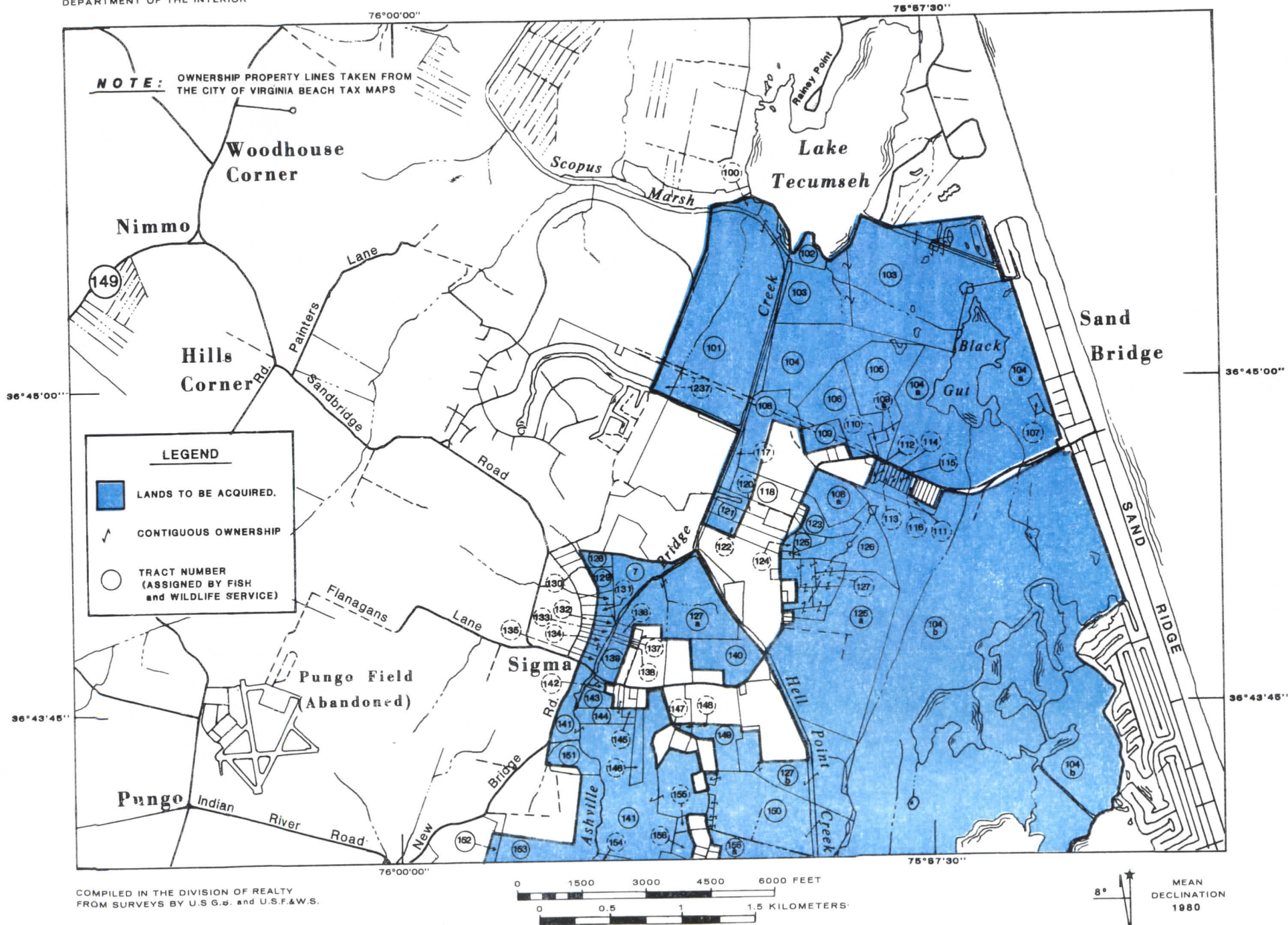
The Fish and Wildlife Service will acquire lands within the boundary through a combination of acquisition methods including fee title, conservation easements, and management agreements. In acquiring lands for habitat protection, the Service's land acquisition policy is to obtain the minimum interest necessary to satisfy Refuge objectives. These and other protection strategies are outlined below.

BACK BAY NATIONAL WILDLIFE REFUGE

CITY OF VIRGINIA BEACH, VIRGINIA

UNITED STATES
DEPARTMENT OF THE INTERIOR

UNITED STATES
FISH AND WILDLIFE SERVICE



COMPILED IN THE DIVISION OF REALTY
FROM SURVEYS BY U.S.G.S. and U.S.F.&W.S.

NEWTON CORNER, MASSACHUSETTS JULY, 1989

Figure 1

BACK BAY NATIONAL WILDLIFE REFUGE

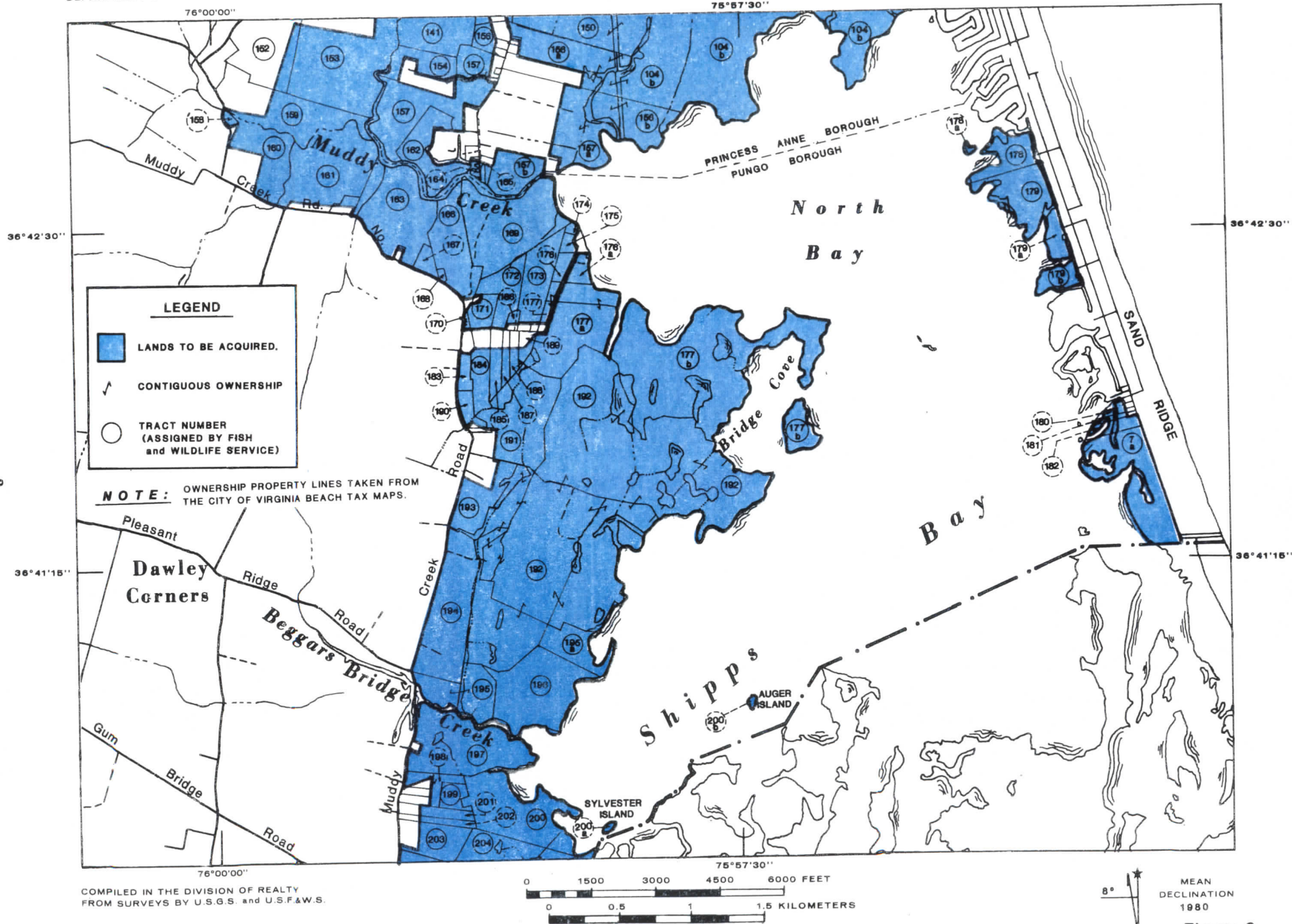
CITY OF VIRGINIA BEACH, VIRGINIA

UNITED STATES
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UNITED STATES
DEPARTMENT OF THE INTERIOR

76°00'00"

75°57'30"



BACK BAY NATIONAL WILDLIFE REFUGE

CITY OF VIRGINIA BEACH, VIRGINIA

UNITED STATES
DEPARTMENT OF THE INTERIOR

UNITED STATES
FISH AND WILDLIFE SERVICE

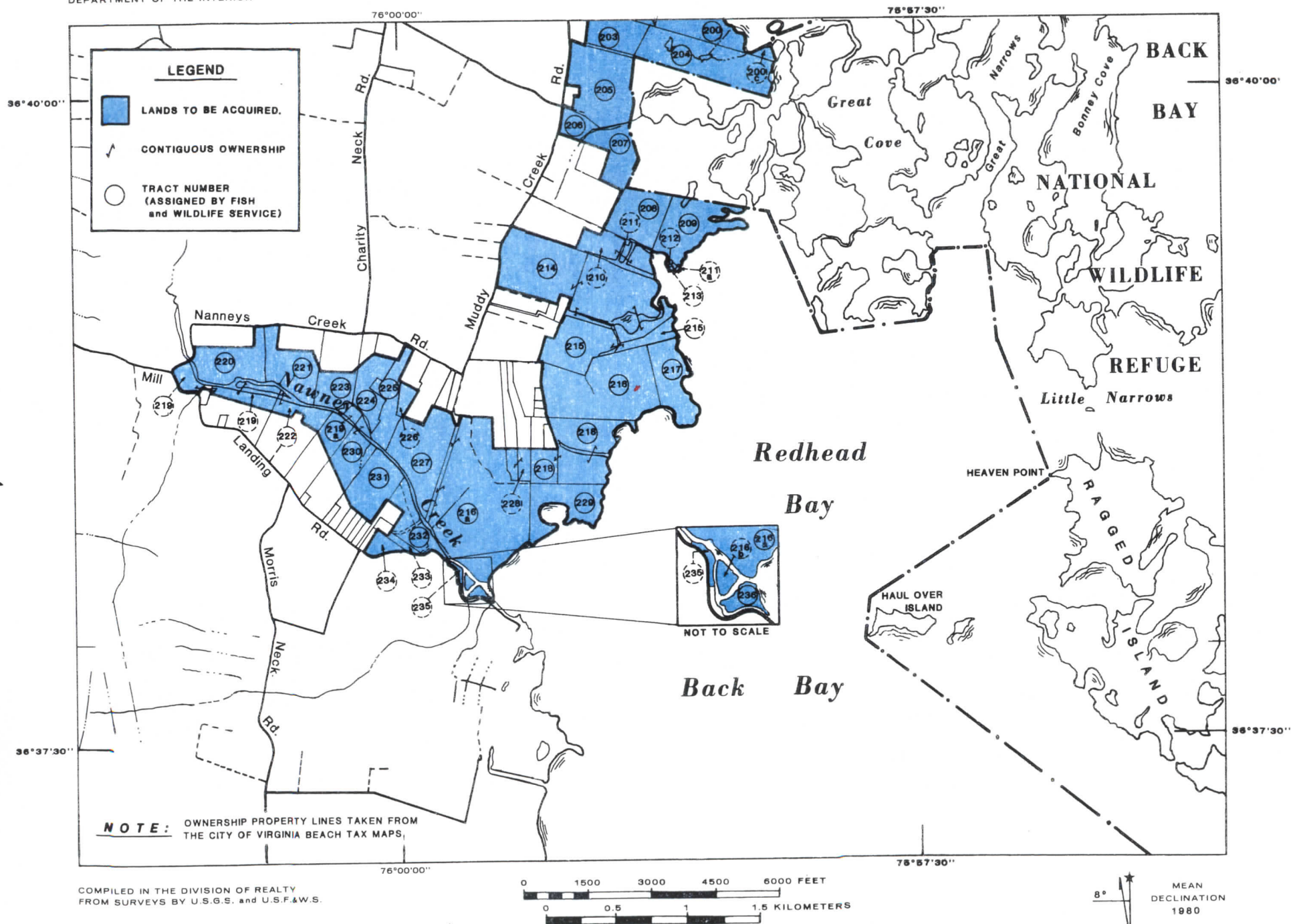


Figure 3

RESOURCE PROTECTION ALTERNATIVES

A. No Action

Under this alternative, the Service would not pursue acquisition of lands within the Refuge boundary, but would rely on the strength of existing local, state, and federal laws and regulations and the conservation ethics of the landowners to protect important wildlife habitat. This approach would provide adequate protection of wildlife resources where current rural land uses are compatible with habitat protection objectives and where there is no threat of development. However, demand for housing in the city continues to increase, and the trend of the Back Bay area is towards increased development. Without Service acquisition, the resource value of important habitat within the Refuge boundary will be lost or seriously diminished as developable lands are lost.

B. Acquisition or Management by Others

This alternative considers the possibility of other conservation-oriented organizations or agencies providing long-term protection to those habitats susceptible to land use changes. Groups include the State of Virginia, City of Virginia Beach, and private conservation organizations including The Conservation Fund, The Nature Conservancy, and the Trust for Public Lands. Funding by these agencies is currently not sufficient to acquire, in a timely manner, the acreage necessary to preserve the project area as a functional ecosystem for migratory birds on a long-term basis.

C. Less Than Fee Acquisition

This alternative considers the use of conservation easements and management agreements to protect lands within the project boundary. Under each of these approaches, lands would remain on the tax rolls under existing ownerships.

In acquiring lands for habitat protection, the Service's land acquisition policy is to obtain the minimum interest necessary to satisfy Refuge objectives. Conservation easements can sometimes be used in this context when they can be shown to be a cost-effective method of protection. In general, any conservation easement must preclude destruction or degradation of habitat and allow Refuge staff to adequately manage uses of the area for the benefit of wildlife. Because development rights must be included, the cost of purchasing conservation easements often approaches that of fee title purchase. This sometimes renders this method of acquisition unfeasible. However, the Service will use this method whenever it is demonstrated to be cost effective and the needs of the Refuge are met. This method provides an alternative to landowners who are interested in preservation, but do not desire to sell fee title interest in their property.

Management agreements are often used by the Service on parcels owned by other agencies or organizations. For example, a portion of the Little Island City Park Recreation Area has been identified within the Refuge boundary. This portion, which provides important wildlife *habitat* and is not used for recreational purposes, has no development potential. The

Service would approach the City of Virginia Beach in an attempt to develop a partnership for management of this land through a Cooperative Agreement or Memorandum of Understanding.

D. Fee Title Acquisition

This alternative offers the best method of long-term habitat protection for lands within the Refuge boundary. Lands acquired in fee title can be managed and enhanced for a variety of wildlife values. Access can be restricted in certain biologically sensitive areas, while other areas can be developed for wildlife-oriented public use. This method is the most effective land acquisition alternative for long-term resource protection.

In implementing this alternative, the Service will adhere to its long-standing acquisition policy which is to work with willing sellers, as funds become available. In other words, landowners within the boundary are under no obligation to sell their property to the Service. In addition, a land acquisition boundary does not place any additional regulatory controls on landowners, other than existing local, state, and federal regulations.

Properties will be appraised at fair market value based on comparable sales. Appraisals are conducted by Service or contract appraisers, meeting both federal and professional standards. If only a portion of a property is acquired, compensation will be made to the landowner for any loss of value on the remaining portion.

E. Combination of Alternatives

This alternative is the action which will be implemented by the Service to protect important wildlife habitat within the Refuge boundary. A combination of fee title acquisition, conservation easement, and management agreement provides a cost-effective and flexible plan to protect critical habitat.

ACQUISITION ALTERNATIVES

Service acquisition projects are funded through both the Land and Water Conservation Fund and the Migratory Bird Conservation Fund. The Migratory Bird Conservation Fund is funded by the sale of duck stamps. Receipts from the sale of the stamps are set aside in a special Treasury account, known as the Migratory Bird Conservation Fund, and are appropriated to the Secretary of the Interior for the acquisition of migratory bird refuges under the provisions of the Migratory Bird Conservation Act. Since 1961, Congress has provided additional funding to this account. In 1986, Congress again authorized additional revenue for the Migratory Bird Conservation Fund by directing that 70% of entrance fees collected at various refuges and sales of Golden Eagle Age passports, along with import duties collected on arms and ammunition, be used for acquisition.

The Land and Water Conservation Fund is funded by certain user fees, proceeds from the disposal of surplus federal property, and the federal motorboat fuels tax. Amendments in 1968 and 1970 authorized funds to be supplemented by unappropriated Treasury funds and from oil and gas lease revenues on the Outer

Continental Shelf. Approximately 90% of Land and Water Conservation Funds now come from Outer Continental Shelf oil and gas lease revenues. The federal government receives 40% of this fund for the "acquisition and development of certain lands".

An alternative to the Land and Water Conservation Fund and the Migratory Bird Conservation Fund is the use of donations. Donations of conservation easements prohibiting habitat destruction and fee title interest will be encouraged.

SOCIO-CULTURAL IMPACTS

Following is a summary of potential socio-cultural impacts that may occur as lands are acquired:

Service acquisition will result in some minor changes from present land use patterns. For the most part, agricultural practices on acquired lands could continue through leases or cooperative agreements with former landowners or local farmers, with modifications to provide a food and cover source for migratory birds. Some marginal farmland (i.e., former wetlands) will be restored to their original state as marsh lands. Other marginal agricultural lands may be allowed to revert to later successional stages.

The number of traditional private waterfowl hunt clubs will be reduced as private parcels are acquired from willing sellers. A public waterfowl hunting program may be considered on selected areas. Potential waterfowl hunting would be addressed in detail in a future Environmental Assessment and Refuge Hunt Plan. The Service may allow deer hunting on designated areas, as needed, to prevent overpopulation and resulting habitat degradation. A trapping program, currently administered on the Refuge, may also be expanded into the acquisition area.

As individual parcels are acquired, the Service will carefully evaluate the management potential of these tracts. In accordance with Service policies and National Environmental Policy Act constraints, refuge managers enhance and restore previously altered areas for the benefit of wildlife. Habitat management is based on sound biological techniques and engineering data. In areas where wetlands have remained in their natural state, protection will probably be the most effective management scenario.

The Service is responsible under a variety of laws and regulations, including the Archaeological Resources Protection Act of 1979 and the National Historic Preservation Act of 1966, as amended, to protect any historic and archaeological resources, including cemeteries, within acquired areas.

As lands are acquired, the Service will expand its comprehensive wildlife-oriented public use program that includes interpretive trails, wildlife exhibits, and educational workshops. Adequate public access is lacking on much of the private land within the Refuge boundary. When determined to be consistent with Refuge objectives, reasonable access onto Refuge lands will be permitted and managed on designated areas so that visitors can participate in wildlife-oriented activities such as fishing, shellfishing,

wildlife observation, and photography. Privately owned boat launch sites within the Refuge boundary may be maintained and/or improved for public use.

On projects throughout the Northeast, land acquisition by the Service has not diminished local property values. In many instances, properties have become more valuable because of their location adjacent to a National Wildlife Refuge which ensures an undeveloped and aesthetic view in perpetuity.

Acquisition will remove some lands from the tax rolls; however, under provisions of the Refuge Revenue Sharing Act, the local unit of government receives an annual revenue sharing payment which often equals or exceeds the amount that would have been collected from taxes, if in private ownership. Payments in lieu of taxes are based on three-fourths of one percent of the fair market value of the property, which is reappraised at five-year intervals. Congress is authorized to appropriate funds to make up any shortfalls in the revenue sharing fund; however, if Congress fails to do so, payments are reduced accordingly. In 1989, the City of Virginia Beach received a payment of \$191,834 from this fund which represents approximately 75% of the full funding level. This payment will increase as additional lands are acquired.

COORDINATION

During the planning stages of the Refuge expansion the Service was, and will continue to be, in direct contact with a variety of governmental agencies, conservation organizations, civic groups, landowners, and interested members of the public. Many of these groups and individuals provided comments to the Service on the draft and final Environmental Assessments and during a public meeting held on January 10, 1989. Through these contacts, the Service identified the needs and concerns of affected individuals and organizations and considered them in the planning process.

SUMMARY OF SELECTED ACTION

The plan for protecting the resources of Back Bay is the acquisition of lands within the Refuge boundary from willing sellers based on a combination of acquisition methods. These methods include fee title acquisition, conservation easement, and management agreements. However, fee title acquisition will probably be the principal method to provide long-term protection of important wildlife habitat. Negotiation of conservation easement is advised where landowners desire to maintain partial use rights, and only for those lands not affected by or actively needed for the Refuge's management programs. In general, management agreements will be negotiated on parcels owned by other agencies.

As parcels within the boundary are offered to the Service by willing sellers and as funds become available, acquisition priority will be based on the following habitat types and associated threats:

In general, critical edge parcels consisting of poorly drained, low-lying farmland and woodlands will have the greatest priority based on threat. These lands are within the 100-year flood plain and primarily below five

feet mean sea level. Existing laws and regulations often do not adequately address the destruction of upland edge habitats. Under existing zoning, several single-family homes and small subdivisions have been allowed to be built adjacent to the marsh edge in this "critical edge" habitat. This "edge", where upland and wetland communities meet, provides food, cover, breeding habitat, and travel corridors for resident and migratory wildlife. It also serves as a natural filter, maintaining water quality and the general integrity of the wetland system. Development of this habitat degrades the quality of the wetlands through increased storm water run-off, sedimentation, and leaching of septic effluents into ground and surface water, thus diminishing the value of the wetland for those fish and wildlife species dependent on it. Most of the parcels in this priority will be acquired by a combination of fee title and conservation easement. In general, the wetland portion of the property will be acquired by fee title and, where appropriate, a conservation easement will be negotiated on the critical upland edge portion.

Parcels consisting of forested swamp habitat are assigned the second priority. These wetlands have undergone some of the greatest losses nationwide since the 1950's, and losses continue. The Section 404 regulatory program of the Federal Water Pollution Control Act of 1972 does not address the drainage of wetlands for agricultural purposes. A typical scenario is clearing of forested wetlands to create marginal farmlands and eventual filling of these lands for conversion to residential and commercial development. On a state level, non-tidal forested wetlands are unregulated. The majority of these parcels will be acquired by fee title acquisition.

The remaining habitat within the Refuge boundary, consisting of brackish marsh, is assigned third priority. Since passage of the Coastal Zone Management Act in 1972, losses of tidal wetlands have been greatly diminished. However, small-scale losses do continue and while they may not appear important individually, the cumulative effect can be substantial. The majority of these parcels will be acquired by fee title acquisition.

All tracts within the boundary have been assigned a priority based on the presence of the above-listed habitat types. Refer to Appendix A for a complete listing of all tracts and their designated priority. Individual properties may be referenced by the corresponding City GPIN number. Refer to Figures 1, 2, and 3 for mapped locations of all tracts.

The Service reserves the right to be flexible with the above-detailed priority list, since a number of other factors also influence acquisition priority including availability of willing sellers, availability of funding, type of funding, existing commitments to purchase, and unforeseen threats. In addition, the Service must be flexible to meet the needs of individual landowners.

APPENDIX A - TRACT LISTING

TABLE KEY

GPIN #	Tax assessors number assigned by the City. This number can be referenced on property tax bills.
TRACT #	Reference number assigned by the Service which appears in Figures 1, 2, and 3.
FULL/PRL	Full/Partial. Identifies whether the entire (full) landowners property acreage or only a portion (partial) of the property acreage falls within the acquisition boundary.
TRACT ACRES	Acreages are approximate.
PRIORITY	Priorities are subject to change. Refer to text for list of factors which may influence priority order.

BACK BAY NATIONAL WILDLIFE REFUGE
TRACT LISTING (FEBRUARY 1990)

CITY GPIN #	TRACT #	FULL/PRL	TRACT ACRES	PRIORITY
24102466580000	219	P	25.1	2
24102549220000	220	P	27.8	2
24103596460000	221	P	25.6	2
24104299280000	230	P	34.2	1
24104333420000	219a	P	13.3	1
24104403940000	222	P	10.4	1
24104595750000	223	P	15.5	3
24105266020000	231	P	30.9	1
24105574040000	224	P	20.2	2
24105194820000	234	P	7.5	2
24106128730000	233	P	2.8	2
24106261210000	232	P	19.5	2
24106522620000	225	F	20.0	1
24106561890000	226	P	5.0	1
24107249350000	216a	P	4.8	2
24107431130000	227	P	51.2	1
24108008060000	235	F	.6	3
24108016310000	216	F	1.5	3
24108232090000	216a	P	135.0	2
24109383360000	218	P	11.3	1
24109413110000	228	P	3.8	1
24109442120000	228	P	4.6	1
24108033730000	236	F	2.7	3
24109692340000	215	P	36.0	1
24109778790000	214	P	63.6	1
24126897420000	160	P	39.8	1

CITY GPIN #	TRACT #	FULL/PRL	TRACT ACRES	PRIORITY
24128875560000	161	P	68.4	1
24137021820000	159	P	40.8	1
24138282690000	153	P	107.1	1
24139337680000	151	P	12.8	1
24139437470000	141	F	17.5	1
24139594820000	142	F	2.0	2
24139660890000	135	P	2.8	3
24139683330000	134	P	1.6	3
24139685950000	134	P	2.1	3
24139697850000	133	P	2.0	3
24139794820000	130	P	2.5	3
24200233180000	229	F	50.0	3
24200383370000	218	F	44.9	3
24200857740000	210	P	21.8	1
24201875930000	211	F	.1	1
24201552040000	216	F	81.5	3
24201763000000	214	F	48.9	3
24201962030000	208	F	32.0	3
24202575210000	217	F	25.7	3
24202635190000	214	F	8.7	3
24202653240000	215	F	8.2	3
24202789880000	213	F	.4	3
24202800160000	212	F	.1	2
24202890640000	211a	F	.9	3
24203829650000	209	F	37.3	3
24210152490000	206	F	8.4	1
24211027350000	207	P	20.9	1

CITY GPIN #	TRACT #	FULL/PRL	TRACT ACRES	PRIORITY
24211201280000	205	F	46.3	1
24211313380000	203	P	19.6	1
24211327650000	202	P	3.7	1
24211329440000	201	P	6.6	1
24211423990000	198	F	5.1	2
24211463650000	199	F	8.1	2
24211573690000	197	P	69.8	2
24211627800000	195	F	14.4	2
24211840550000	194	F	92.9	1
24212626380000	195	F	24.0	2
24212870240000	192	F	62.6	1
24212956090000	192	F	8.0	1
24213208520000	204	F	73.0	3
24213309180000	200	F	60.0	3
24213656460000	196	F	67.3	3
24213989060000	192	F	116.0	1
24214757810000	195a	F	19.0	3
24214973670000	192	F	80.2	3
24215326300000	200a	F	1.5	3
24218666260000	200b	F	1.5	3
24220684490000	167	F	5.0	1
24220711570000	163	F	71.0	1
24221382950000	190	F	3.9	2
24221389170000	183	F	5.9	2
24221612830000	168	F	1.0	1
24221647710000	166	P	46.2	1
24221897640000	164	P	1.9	3

CITY GPIN #	TRACT #	FULL/PRL	TRACT ACRES	PRIORITY
24221910670000	162	P	30.3	2
24222113150000	193	P	25.5	1
24222180900000	192	F	19.6	2
24222413230000	184	P	12.2	2
24222444910000	185	P	8.1	1
24222474350000	187	P	3.5	1
24222495210000	188	P	3.7	1
24222524040000	171	P	9.5	1
24222579740000	172	F	23.0	1
24222582700000	186	P	1.2	1
24222658360000	169	F	83.6	1
24222827700000	165	P	2.4	3
24223312530000	191	P	65.5	1
24223416700000	189	P	2.2	1
24223563430000	177	F	3.6	3
24223578860000	177	F	2.7	3
24223640570000	173	P	27.0	1
24223694730000	175	P	5.7	3
24224530400000	177a	F	51.9	2
24224548740000	177a	F	14.6	1
24224619360000	175	F	3.1	3
24224644520000	176a	F	7.8	3
24224741320000	174	P	1.5	3
24225979050000	156b	F	39.7	3
24227124230000	192	F	279.8	1
24227484850000	177b	F	298.2	3
24228643230000	200c	F	4.0	3

CITY GPIN #	TRACT #	FULL/PRL	TRACT ACRES	PRIORITY
24230160310000	154	P	15.8	1
24230284550000	141	F	112.3	1
24230417490000	144	P	11.5	1
24230501620000	143	P	6.4	2
24230549270000	139	P	8.7	3
24230609260000	132	P	2.0	3
24230664330000	138	P	.9	3
24230667410000	136	P	2.0	3
24230701490000	131	P	2.5	3
24230719220000	129	F	6.5	2
24230778080000	7	F	21.8	2
24230803080000	128	F	5.3	2
24231012030000	157	P	69.5	1
24231391360000	141	F	37.8	1
24231402790000	146	F	9.1	1
24231484780000	147	F	.6	1
24232117700000	156	P	6.6	1
24232222860000	155	P	2.4	1
24232272220000	150	F	.8	1
24232274160000	150	F	.9	1
24232277430000	150	F	.9	1
24232372270000	150	F	1.4	1
24232414860000	148	F	2.2	1
24232570260000	149	P	17.4	1
24232609880000	127a	P	76.3	1
24232671730000	140	P	31.3	1
24232994390000	121	F	5.6	2

CITY GPIN #	TRACT #	FULL/PRL	TRACT ACRES	PRIORITY
24233052850000	157a,b	P	59.0	1
24233193430000	156a	P	40.5	1
24233288800000	150	F	90.2	1
24233580800000	127b	P	17.2	2
24233930510000	122	P	5.0	2
24233956440000	120	P	5.4	2
24234783090000	127	F	5.0	1
24234790080000	127	F	5.0	2
24234844570000	126	F	.8	1
24234851230000	127	F	5.0	1
24234858020000	124	P	3.0	1
24234887640000	125	F	20.7	2
24234890300000	127	F	5.0	2
24235680030000	125a	F	164.1	1
24235725710000	127	F	5.0	2
24235748070000	127	F	5.0	2
24235842400000	127	F	5.0	2
24235849780000	123	F	12.8	2
24235895580000	126	F	36.0	1
24241213870000	237	F	5.6	1
24241297080000	237	F	.1	1
24242005820000	117	P	12.3	2
24242165980000	101	F	2.0	1
24242397230000	101	P	207.6	1
24243061430000	118	P	7.3	2
24243289390000	101	F	5.3	2
24244103710000	108	P	31.0	2

CITY GPIN #	TRACT #	FULL/PRL	TRACT ACRES	PRIORITY
24244573980000	102	F	10.1	2
24245031610000	108a	F	25.4	2
24245121500000	109	P	8.9	1
24245240730000	106	P	42.0	1
24245343510000	104	F	67.7	2
24246042540000	112	P	1.0	1
24246044510000	112	P	1.1	1
24246063270000	112	P	1.0	1
24246074740000	113	P	1.0	1
24246078290000	109a	P	4.1	2
24246083000000	114	P	1.1	1
24246092920000	115	F	1.0	1
24246093330000	114	P	1.1	1
24246141980000	110	P	3.0	2
24246255710000	105	F	51.4	2
24247011740000	115	P	1.1	1
24247012260000	115	P	1.1	1
24247031090000	116	P	1.1	1
24247415310000	103	F	190.0	2
24247579700000	103	F	1.0	2
24324955510000	178,a	F	23.2	3
24325606860000	179,a,b	F	60.2	3
24327267120000	7a	P	58.0	1
24327313980000	180	P	1.8	3
24327323110000	181	P	1.6	3
24327373740000	182	P	8.1	1
24331275240000	104a,b	F	1.666	1

CITY GPIN #	TRACT #	FULL/PRL	TRACT ACRES	PRIORITY
24340220320000	107	F	2.1	2
24245434570000	103	F	55.6	2
24247598120000	103	F	3.4	2
24221570970000	170	F	.5	1
24221572820000	170	F	.5	1
24246013580000	111	P	9.3	1
24243693170000	101	F	7.9	2
24126918040000	158	F	1.3	2
24242636610000	100	P	8.5	2
24210485970000	198	P	2.9	2
24233462120000	127b	F	12.0	1
24137105500000	152	P	11.2	1
24230665740000	137	P	1.7	3
-0-	145	P	2.0	1